



2002 Hazardous Waste Annual Update

LSA Document #02-235

Overview

This rule incorporates six (6) changes to the federal hazardous waste management program that were made by the U.S. Environmental Protection Agency between October 3, 2001, and March 13, 2002.

Citations Affected

329 IAC 3.1-1-7; 329 IAC 3.1-4-1; 329 IAC 3.1-7-2; 329 IAC 3.1-9-2, 329 IAC 3.1-10-2.

Affected Persons

Generators and transporters of hazardous waste. Owners, operators and permittees of hazardous waste treatment, storage and disposal facilities.

Reason(s) for the Rule

This rule makes Indiana's hazardous waste program consistent with the current federal hazardous waste program.

Economic Impact of the Rule

The net economic impact of this rule is estimated to range between minimal additional costs and limited potential savings to regulated entities in Indiana.

Benefits of the Rule

This rule will make Indiana's hazardous waste program as consistent as possible with the federal hazardous waste program.

Description of the Rulemaking Project

Indiana is authorized under 40 CFR 271 to administer the hazardous waste management program in lieu of the U.S. Environmental Protection Agency (EPA). Authorized states are required to maintain their programs current with the latest federal amendments to the program. In many cases, the federal amendments involve streamlining, cost reduction and regulatory reform. The amendments proposed in this rule will make Indiana's program

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*.

consistent with the federal hazardous waste program.

This rule also deletes an obsolete reference to mercury containing lamps in 329 IAC 3.1-4-1, and amends 329 IAC 3.1-7-2, 329 IAC 3.1-9-2, and 329 IAC 3.1-10-2 to clarify the retention time for annual reports submitted to IDEM under IC 13-22-4-3.1.

Scheduled Hearings

First Public Hearing: November 19, 2002

Second Public Hearing: March 18, 2003

Consideration of Factors in IC 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant, animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

This rule is consistent with the federal hazardous waste program at 40 CFR 260 through 40 CFR 279.

This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments

and the departments responses from the first comment period, a notice of first public hearing, and the draft rule. The Solid Waste Management Board holds the first public hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public hearing is held and public comments are heard. Once final adoption occurs, the rule

becomes effective 30 days after filing with the Secretary of State.

Federal changes adopted in this rule:

This rulemaking incorporates the following amendments to the federal hazardous waste management regulations at 40 CFR 260 through 40 CFR 270, published in the Federal Register from October 3, 2001, through March 13, 2002:

Federal Register	Publication Date	Subject ^(EPA Rule Code)
66 FR 50332	October 3, 2001	Correction to the Hazardous Waste Identification Rule (HWIR): Revisions to the Mixture and Derived-From Rules; Direct Final Rule ¹⁹⁴
66 FR 58258	November 20, 2001	Hazardous Waste Management System; Identification and Listing of Hazardous Waste: Inorganic Chemical Manufacturing Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities; Final Rule ¹⁹⁵
67 FR 17119	April 9, 2002	Hazardous Waste Management System; Identification and Listing of Hazardous Waste: Inorganic Chemical Manufacturing Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities; Correction ^{195.1}
67 FR 2962	January 22, 2002	Amendments to the Corrective Action Management Unit Rule; Final Rule ¹⁹⁶
67 FR 6792	February 13, 2002	NESHAP: Interim Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Interim Standards Rule); Final Rule ¹⁹⁷
67 FR 6968	February 14, 2002	NESHAP: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (Final Amendments Rule); Final Rule ¹⁹⁸
67 FR 11251	March 13, 2002	Hazardous Waste Management System; Definition of Solid Waste; Toxicity Characteristic: Final Rule; Response to Court Order Vacating Regulatory Provisions ¹⁹⁹